

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Frederic Tarte et al.

Appln. No.: 10/556,664

Filed: 11/9/05

For: A STEERING WHEEL

Attorney Docket No: 12400-050

Attn: Donna S. Greene

Art Unit: Unknown

Confirmation No. 8557

**PETITION UNDER 37 C.F.R. §1.181(a) REQUESTING
WITHDRAW OF THE HOLDING OF ABANDONMENT**

**(RESPONSE TO THE NOTIFICATION OF MISSING
REQUIREMENTS TIMELY FILED)**

Petitioners hereby respectfully request the Director to withdraw the holding of abandonment in the above-referenced application since the response to the notification of Missing Requirements mailed September 27, 2006 (Form PCT/DO/EO/905) was timely filed on October 17, 2006 and, in fact, there has been no abandonment of the application.

Petitioners respectfully submit the following in support of this request:

1. The two-month time period for response set forth in this notice ran from September 27, 2006 until November 27, 2006 or by thirty-two months from the priority date for the application.
2. Petitioners' attorney properly and timely responded to the notification of Missing Requirements on October 17, 2006 via facsimile which is attached as Exhibit A, for which a patent office Auto-Reply Facsimile Transmission was received. A copy of the Auto-Reply Facsimile Transmission is attached as Exhibit B; A copy of Petitioner's facsimile Transmission Verification Report is attached as Exhibit C;

3. Since the Auto-Reply Facsimile Transmission provides *prima facie* evidence that the response to the notification of Missing Requirements was timely filed by the Petitioners and received by the Office, there has in fact been no abandonment of this application;
5. Petitioners first became aware of the holding of abandonment when the Office issued a Notification of Abandonment on January 31, 2008, indicating that a response to the notification of Missing Requirements had not been timely filed;
6. This Petition is being timely made since it is being submitted within one month of the issuance of the Notification of Abandonment;
7. Since this is a Petition under 37 C.F.R. § 1.181(a), no fee is required.

In view of the foregoing, it is respectfully submitted that Petitioners have established a *prima facie* case that the response to the notification of Missing Requirements was timely filed and received by the Office and that there has in fact been no abandonment of this application. The granting of this request for withdrawal of the holding of abandonment is therefore warranted.

Respectfully submitted,

/Steven L. Oberholtzer/

Steven L. Oberholtzer (Reg. No. 30,670)

February 21, 2008

Date

SLO/mc

Attachments: Exhibit A: Petitioner's Response to Notification of Missing Requirements;
Exhibit B: Copy of Auto-Reply Facsimile Transmission
Exhibit C: Copy of Petitioner's facsimile Transmission Verification Report

EXHIBIT A

BRINKS
HOFFER
GILSON
& LIONE

FACSIMILE COVER SHEET

Date: October 17, 2006
To: US Patent and Trademark Office
Fax: (571) 273-8300
From: Steven L. Oberholtzer
Tel. No: (734) 302-6000
Our Ref.: USSN 10/556,664
Our Ref.: 12400-050

A Professional Corporation
Intellectual Property
Attorneys

524 South Main St., Suite 200
Ann Arbor, Michigan 48104
Facsimile 734-994-6331
Telephone 734-302-6000

Total No. of Pages: 10
Confirmation To Follow: Yes: No: X

Chicago, IL
San Jose, CA
Indianapolis, IN
Arlington, VA

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE,
PLEASE CALL (734) 302-6000 Melissa Collins

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COVER MESSAGE

EXHIBIT A

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8		
I hereby certify that this correspondence, totaling 10 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date:		
Date: <u>October 17, 2006</u>	Name: <u>M. Collins</u>	Signature: <u>[Signature]</u>

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Frédéric Tarte et al.

Appln. No.: 10/556,664

Filed: 11/9/05

For: A STEERING WHEEL

Attorney Docket No: 12400-050

Examiner: Unknown

Art Unit: Unknown

Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION (FILING DATE GRANTED)

Sir:

In accordance with the Notice to File Missing Parts of Application Filing Date Granted mailed September 27, 2006, "Part 2" of which is attached, enclosed herewith for filing is a fully-executed, combined Declaration for Patent Application and Power of Attorney (3 sheets) for the above-referenced patent application.

Applicant has calculated the fees associated with the filing of this Response as follows:

- ☐ A basic filing fee in an amount of \$_____ under 37 C.F.R. §1.16(a).
- ☐ An additional filing fee in an amount of \$_____ under 37 C.F.R. §1.16(b), (c) and/or (d).
- ☒ A surcharge in an amount of \$130.00 under 37 C.F.R. §1.16(e).
- ☐ An extension fee in an amount of \$_____ for a ____-month extension of time under 37 C.F.R. §1.136(a).

The above fee(s) are being paid as follows:

- ☒ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$130.00.
- ☐ A payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE).

Respectfully submitted,

October 17, 2006
Date


Steven L. Oberholtzer (Reg. No. 30,670)

SLO/mc

EXHIBIT A

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Date: <u>October 17, 2008</u>	Name: <u>M. Collins</u>	Signature: <u>[Signature]</u>

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Frédéric Tarte et al.
Appln. No.: 10/556,664
Filed: 11/9/05
For: A STEERING WHEEL
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Examiner: Unknown
Art Unit: Unknown

Commissioner for Patents
U.S. Patent and Trademark Office
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- ☐ An additional filing fee in an amount of \$_____ under 37 C.F.R. §1.16(b), (c) and/or (d).
- ☒ A surcharge in an amount of \$130.00 under 37 C.F.R. §1.16(e).
- ☐ An extension fee in an amount of \$_____ for a ____-month extension of time under 37 C.F.R. §1.136(a).

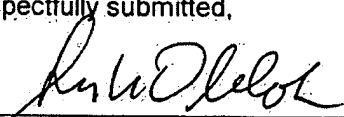
The above fee(s) are being paid as follows:

- ☒ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$130.00.
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Respectfully submitted,

October 17, 2006

Date


Steven L. Oberholtzer (Reg. No. 30,670)

SLO/mc

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

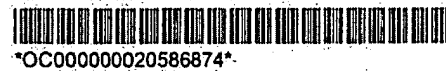
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22311-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/556,664	Frederic Tarte	12400-050

757
 BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, IL 60610

INTERNATIONAL APPLICATION NO.	
PCT/SE04/00642	
I.A. FILING DATE	PRIORITY DATE
04/28/2004	05/12/2003

CONFIRMATION NO. 8557
 371 FORMALITIES LETTER



OC000000020586874

Date Mailed: 09/27/2006

11-22-06
 11-27-06

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 11/11/2005
- Copy of the International Search Report filed on 11/11/2005
- Copy of IPE Report filed on 11/11/2005
- Preliminary Amendments filed on 11/11/2005
- Information Disclosure Statements filed on 11/11/2005
- Oath or Declaration filed on 11/11/2005
- U.S. Basic National Fees filed on 11/11/2005
- Priority Documents filed on 11/11/2005
- Specification filed on 11/11/2005
- Claims filed on 11/11/2005
- Abstracts filed on 11/11/2005
- Drawings filed on 11/11/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter:

EXHIBIT A

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/556,664	PCT/SE04/00642	12400-050

FORM PCT/DO/EO/905 (371 Formalities Notice)

EXHIBIT A

Attorney Docket No.: 12400-050
Autoliv Development AB Case No.: SP 08852 WO

DECLARATION AND POWER OF ATTORNEY ORIGINAL APPLICATION

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor or an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled:

A STEERING WHEEL

the specification of which (check one)
is attached hereto.

X was filed on November 9, 2005 as United States Application Serial No. 10/558,664 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose to the United States Patent and Trademark Office all information that I know to be material to the patentability of this application as defined in Title 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Priority Not Claimed

0310866.9
(Number)

Great Britain
(Country)

12 May 2003
(Filing Date)

☐

(Number)

(Country)

(Filing Date)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

EXHIBIT A

Attorney Docket No.: 12400-050

Automotive Development AB Case No.: SP 08852 WO

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States applications(s), or Section 365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PCT/SE2004/000642
(Application Serial No.)

28 April 2004
(Filing Date)

Pending
(Status: patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status: patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners associated with the customer number printed below as my attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith, and to act on my behalf before the competent International Authorities in connection with any and all international applications filed by me.

USPTO Customer No. 00757

Address all correspondence and telephone calls to:

Steven L. Oberholzer, Esq.
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000


Full name of sole or first inventor Frédéric Tarte	
Sole or first inventor's signature 	Date 05/10/2006
Residence 7, allée du Terroir, F-86580 Biard, France	
Citizenship French	
Post Office Address Same as Above	

EXHIBIT A

Attorney Docket No.: 12400-050
Autoliv Development AB Case No.: SP 08852 WO

Full name of second inventor, if any
Pascal Lemasson
Second inventor's signature
Date: 09 Oct. 2006
Residence
22 Route de la croix Girault, F-86000 St. Georges les Baillargeaux, France
Citizenship
French
Post Office Address
Same as Above

Full name of third inventor, if any
Third inventor's signature
Date
Residence
Citizenship
Post Office Address

Full name of fourth inventor, if any
Fourth inventor's signature
Date
Residence
Citizenship
Post Office Address

Full name of fifth inventor, if any
Fifth inventor's signature
Date
Residence
Citizenship
Post Office Address

TO: Auto-reply fax to 7349946331 COMPANY:

EXHIBIT B

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 7349946331

Fax Information

Date Received:

10/17/2006 3:53:23 PM [Eastern Daylight Time]

Total Pages:

10 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

10/17/2006 02:54 7349946331 FAX		PAGE 01/10
FACSIMILE COVER SHEET		
Date:	October 17, 2006	BRINKS HOFFER GILSON & LIONE A Professional Corporation Intellectual Property Attorneys 624 South Main St., Suite 200 Ann Arbor, Michigan 48104 Telephone 734-894-5331 Telephone 734-302-6000 Chicago, IL San Jose, CA Indianapolis, IN Arlington, VA
To:	US Patent and Trademark Office	
Fax:	(571) 273-8300	
From:	Steven L. Oberholzer	
Tel. No:	(734) 302-6000	
Our Ref.:	USPN 10/556,664 Our Ref.: 12400-050	
Total No. of Pages:	10	
Confirmation To Follow:	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL (202) 872-6000, ext. 6000		
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COVER MESSAGE:		
PAGE 01/10 RCV AT 10/17/2006 3:53:23 PM [Eastern Daylight Time] 612 USPTO-EPF06-412 008:2730101 CS02:7349946331 DURATION 00:02:31		

TRANSMISSION VERIFICATION REPORT

EXHIBIT C

TIME : 10/17/2006 02:56
NAME : BHGL
FAX : 7349946331
TEL : 7343026000
SER. # : BR015J387455

DATE, TIME 10/17 02:54
FAX NO./NAME 15712738300
DURATION 00:02:17
PAGE(S) 10
RESULT OK
MODE STANDARD
ECM

FACSIMILE COVER SHEET

Date: October 17, 2006
To: US Patent and Trademark Office
Fax: (571) 273-8300
From: Steven L. Oberholtzer
Tel. No: (734) 302-6000
Our Ref.: USSN 10/556,664
Our Ref.: 12400-050
Total No. of Pages: 10
Confirmation To Follow: Yes: No: X

BRINKS
HOFFER
GILSON
& LIONE

A Professional Corporation
Intellectual Property
Attorneys

524 South Main St., Suite 200
Ann Arbor, Michigan 48104
Facsimile 734-994-6331
Telephone 734-302-6000

Chicago, IL
San Jose, CA
Indianapolis, IN
Arlington, VA

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